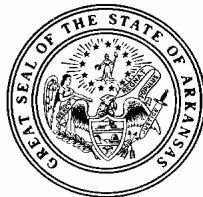

ASBCE NEWSLETTER



AR STATE BOARD OF CHIROPRACTIC EXAMINERS

www.state.ar.us/asbce

Watts 1-866-257-8227

August 2002

BOARD MEMBERS

Michael D Courtney, D.C., President

Robert Shackelford, D.C., Secretary

Harold Gunter, Jr, Treasurer

Mark S. Bradley, D.C., Investigation Officer

Margaret Thompson, Public Member

Beverly J. Foster, D.C., Examination Officer

Larry L. Grinder, D.C., Member

PROFESSIONAL STAFF

Carol Ann Gates, Executive Director

Sandy Kita, Administrative Assistant

Message From Board President

Michael D. Courtney, D.C.

Dear Fellow Chiropractic Physicians:

I received a letter from a licentiate in NW Arkansas recently inquiring as to which parts of our statute permits the use of nutritional therapy; that is vitamins, minerals, herbal and glandular preparations, etc. This is a very good question since our statute is very broad.

The statute allows nutritional practice in §17-81-102(3)(a) where it states the practice of chiropractic includes therapy, the normal regimen, and rehabilitation of the patient for the purpose of removing any injury, deformity or abnormality of human beings without the use of drugs or surgery. Nutritional therapy has always been part of chiropractic practice. In addition, under (3)(b) of the statute the practice of chiropractic, as authorized under the provisions of this chapter, shall not include:

- 1.) the performance of the duties of midwife or obstetrician,
- 2.) therapy by the use of, ionizing radiation,
- 3.) incisive surgery,
- 4.) prescribing for or administering to any person any drug to be taken internally, or,

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BOARD MEMBER REAPPOINTED

Under the provisions of the Arkansas Code Annotated §17-81-201 Governor Mike Huckabee appointed Dr. Mark Bradley as a member of the Arkansas State Board of Chiropractic Examiners for the term, which expires June 9, 2007.

Congratulations to Dr. Bradley!!

ELECTIONS OF OFFICERS

Pursuant to the provisions of Section §17-81-204(b) in July of each year officers for the Board of Examiners are elected.

Dr. Michael D. Courtney was elected President, Dr. Robert Shackelford, Secretary and Mr. Hal Gunter was appointed as Treasurer, Dr. Mark Bradley, Investigation Officer and Dr. Beverly Foster as Examination Officer.

WE NOTE THE LOSS OF

Dr. James P. Frach, who passed away on June 22, 2002, at the age of 63. Dr. Frach graduated from the Palmer College of Chiropractic in 1939 and was licensed in Arkansas July 20, 1983.

Dr. Frach served with the 10th Army Special Forces during the Vietnam Conflict. He was an advocate for chiropractic and dedicated to the advancement of the profession.

Dr. Frach is survived by his wife Bobby of 30 years and four sons.

PRESIDENT'S MESSAGE

MICHAEL COURTNEY, D.C., PRESIDENT

(continued from page 1)

5.) puncturing the skin for the purpose of introducing any substance into the body. Nothing herein shall prevent puncturing the skin for routine blood analysis, including red blood count, white blood differential and serology, in the practice of chiropractic for diagnostic purposes.

Therefore, clearly nutritional therapies include but not limited to vitamins, minerals, botanicals, protomorphogens, amino acids, foods for special dietary use, etc., are permitted. Chiropractic physicians certified in acupuncture may pierce the skin for this therapeutic modality.

We are truly blessed with one of the broadest chiropractic statutes in the world! The Arkansas statute has been a model for many states. The doctors responsible for this achievement were Dr. Ralph McBryde, Dr. George Perkins, and the late Dr. M.E. Calhoun and the late Dr. Otis Heirs. These docs had tremendous vision and deserve much commendation. They deserve our respect and gratitude for providing us with this legacy.

MICHAEL D. COURTNEY, D.C.
PRESIDENT, ASBCE

LICENSE RENEWALS

License renewals will be mailed to all licensees the end of October. Please watch your mail for an envelope marked, **IMPORTANT RENEWAL INFORMATION ENCLOSED**. If you do not plan to mail your renewal right after receiving them, please make extra efforts to maintain them in a safe and easy-to-find location. If you do not receive your renewal, it is your responsibility to contact the ASBCE office to request another renewal application.

CALENDAR OF EVENTS

PUBLIC HEARING & ADJUDICATORY HEARING

DATE: SEPTEMBER 19, 2002

PLACE: MAIN STREET MALL

SEPTEMBER 19, 2002

SPECIAL EVENT

FEDERATION OF CHIROPRACTIC LICENSING BOARDS

DISTRICT V MEETING

PLACE: ASHEVILLE, NC

DATE: OCTOBER 3-6, 2002

EVENT

CREDENTIALS MEETING

DATE: DECEMBER 10, 2002

PLACE: MAIN STREET MALL

TIME: 10:00 A.M.

SPECIAL EVENT

LICENSURE EXAMINATION, BUSINESS MEETING &
ORIENTATION.

PLACE: MAIN STREET MALL

CONFERENCE ROOM C

DATE: JANUARY 23, 2003

EVENT

BUSINESS MEETING

DATE: APRIL 24, 2003

PLACE: MAIN STREET MALL

TIME: 10:00 A.M.

SPECIAL EVENT

FEDERATION OF CHIROPRACTIC EXAMINERS

77TH ANNUAL CONGRESS

DATE: APR 27-MAY 04/03

PLACE: ORLANDO, FL

CREDENTIALS MEETING

JUNE 10, 2003

SPECIAL EVENT

LICENSURE EXAMINATION, BUSINESS MEETING,
ORIENTATION

PLACE: MAIN STREET MALL

CONFERENCE ROOM C

DATE: JULY 25, 2003

THE FOLLOWING CANDIDATES PASSED THE JULY 25, 2002 EXAMINATION.

DR. BETTY JO CLARK

DR. SCOTT CLARK

DR. GRADEN E. HALL

DR. JEREMY D. KILDOW

DR. TONY L. HICKS

DR. CAMERON MITHCELL

DR. GERALD ELSNER

IN LIEU OF THE PRACTICAL EXAMINATION THE FOLLOWING PRESENTED A NATIONAL BOARD TRANSCRIPT PART IV.

CHRISTOPHER AKEY, DC

PHILIP BLAND, DC

CLAY M. BERGER, DC

PHILIP D. JONES, DC

TARA L. GARDNER, DC

EDWARD A. JONES, DC

BILLY D. SCOTT, DC

FRANC SEVCIK, DC

KIMBERLY SUE TAYLOR, DC

CONGRATULATIONS TO ALL THE NEW LICENSEES & WELCOME
TO ARKANSAS.

STATISTICS OF AR LICENSEES

LICENSEES: 538 *Active*

34 *Inactive*

ACUPUNCTURE: 111 *In-State*

9 *Out-State*

POLICY DECISION

TUBERCULOSIS TESTING

ANY TUBERCULOSIS TESTING
INTRODUCING ANY FOREIGN MATERIAL INTO
THE BODY (PIRQUET'S, TINE, HEAF TESTS AND
MANTOUX TEST) IS OUTSIDE THE SCOPE OF
CHIROPRACTIC IN ARKANSAS. HOWEVER, THE
DOCTOR MAY ORDER AND INTERPRET THESE
TESTS.

FURTHERMORE, SCREENING FOR
TUBERCULOSIS BY CHEST X-RAY AND/OR
SPUTUM CULTURE/ANALYSIS AND PHYSICAL
EXAMINATION ARE WITHIN THE SCOPE OF
CHIROPRACTIC PRACTICE. THE CHIROPRACTIC
PHYSICIAN IS LICENSED TO SCREEN FOR
TUBERCULOSIS AND OTHER DISEASES AND TO
SIGN A STATEMENT OF FINDINGS.

DISCIPLINARY UPDATES

*PLEASE MAKE NOTE OF THE FOLLOWING
SUMMARY OF ORDERS ISSUED BY THE BOARD*

ADJUDICATORY HEARING

Case 172-07-24-01

Paul Edward Hill, DC

Unlicensed practice of chiropractic

The Board held an adjudicatory hearing on June 20, 2002. In the matter of, Paul Edward Hill, DC. The Board found that Dr. Hill had not held a chiropractic license issued by this Board in violation of Arkansas Code Annotated §17-81-303(a)(1) which prohibits the practice and offer to practice chiropractic in the State of Arkansas without a license.

ORDER

The Board ordered that Paul Edward Hill, DC be fined \$500.00 to be paid to the Board no later than December 31, 2002.

ADJUDICATORY HEARING

Case 178-10-24-01

Dr. L. Dean Kirkpatrick

Unprofessional conduct

On June 20, 2002 the Board of Examiners held an adjudicatory hearing in the matter of, Dr. L. Dean Kirkpatrick. Upon hearing the testimony and comments the Board made the following conclusion and order.

1. Dr. Kirkpatrick violated Board Rule & Regulation (C)(2)(n) which prohibits negligent or reckless practice regardless of the degree of injury to the patient.
2. Violation constitutes unprofessional conduct.

ORDER

The Board ordered that Dr. Kirkpatrick be required to take twelve (12) hours of continuing education in risk management and record-keeping, which will be counted toward the 24 CE hours he is normally required to take. The courses subject to the order shall be pre-approved by the Board and shall be due no later than December 31, 2002.

BREAKDOWN OF COMPLAINTS/INVESTIGATIONS

Case #166-06-29-01: No violation

Case #175-09-12-01: No violation

Case #178-09-24-01: No violation

Case #183-12-13-01: No violation

Case #184-01-07-02: No violation

Case #185-01-28-02: No violation

Case #186-01-31-02: Resolved

**Case #187-02-04-02: Letter mailed to the
Massage Therapist**

Case #189-04-02-02: Resolved

Case #190-04-19-02: No violation

Case #191-05-02-02: No discrepancy

Case #192-05-13-02: Pending

**Case #193-05-21-02: Hearing scheduled
9/19/02**

Case #194-06-21-02: Resolved

Case #195-07-09-02: Under investigation

Case #196-07-19-02: Letter of caution

Case #197-08-09-02: Under Investigation

THE DISCIPLINARY PROCESS

The Board has the right and responsibility, to investigate complaints, allegations or suspicions of violations of the Arkansas Chiropractic Practice Act or the Regulations. When the Board contemplates taking disciplinary action, a written notice is served upon the licensee thirty (30) days before the hearing.

The notice includes a Statement of the facts or conduct upon which disciplinary action is contemplated. The notice is served by registered or certified mail. The Board may conduct the proceedings without the doctor being present.

To ensure a fair and efficient hearing, the Hearing Officer enforces proper conduct on all persons present. A formal record is made of the hearing. If the case is appealed a transcript of the proceedings is required.

The Board must determine the facts in issue solely on the basis of the evidence submitted. And whether the charges are in violation of the law or rule then decide on an appropriate sanction.

HISTORY OF CHIROPRACTIC IN ARKANSAS

The earliest history obtained of the presence of Chiropractors in Arkansas was in 1910. An account in the Texarkana paper of the trial of Dr. R.E. Mathis, Sr. dated June 7, 1922. The account stated that he had been practicing and was charged with practicing medicine. Dr. Mathis first trial was declared a mistrial. Then the second trial July 24, 1911 failed again. The next trial July 31, Dr. Mathis was acquitted.

The first law regulating the practice of Chiropractic in Arkansas was approved March 11, 1915, Act No. 126. It provided for a Board of Chiropractic Examiners. All Chiropractors holding a diploma from a registered Chiropractic School and having practiced in Arkansas one year or more immediately preceding the passage of the bill were "blanketed in."

Act No.485, requiring High School education or its equivalent providing for reciprocity with other states, and setting the license renewal fee at a maximum of \$7.50 was approved March 26, 1921.

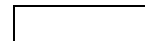
Act 147 provided a Basic Science Board of Examiners and required all Medical, Osteopathic and Chiropractic applicants for Arkansas licenses by examination to obtain from this Board a certificate of proficiency in the basic sciences before they were eligible for examination under the Board of Examiners of their respective branch of the Healing Arts. This Act was approved March 14, 1929.

For four years after the Basic Science Law was passed, Arkansas had no intake of new Chiropractors. Then Dr. F.C. Crow detected and called attention to a "loophole" in the law, which permitted the Board to accept Chiropractors holding licenses from other states with which we had reciprocity. The Basic Science Law did not destroy the validity of our reciprocity. This was approved by the opinion of the Attorney General. On June 10, 1933 new Chiropractors began coming into the state in accordance with this provision.

In the summer of 1938 the acceptance of Chiropractors was challenged by the Arkansas Medical Society, and the case was tried in the Chancery Court, Little Rock, Arkansas, June 7, 1939, with the decision in the Boards favor. The Arkansas Medical Society appealed the case, and on January 15, 1940 the Supreme Court reversed the decision, thus deciding against chiropractic.

Then during its 1941 session an Act of Legislation rendered the licenses valid. This Act saved Arkansas from losing a valuable group of Chiropractors. There were 138 licensees including those of Chiropractors who obtained Arkansas licenses but did not practice in Arkansas.

Act 187 was approved March 6, 1959 and the Healing Arts Board took the place of the Basic Science Board.



- ✓ CHECK OUT OUR WEB SITE AT
WWW.STATE.AR.US/ASBCE.

- ✓ PLEASE FEEL FREE TO USE OUR
NEW WATTS LINE AT 866-257-8227.

PLEASE NOTE

ADDRESS CORRECTION

REQUESTED!

You know where you are. You know where we are. We know where we are. But-----We don't always know where you are....Please keep us posted!

❖ *The Arkansas State Board of Chiropractic Examiners does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.*



ARKANSAS STATE BOARD OF
CHIROPRACTIC EXAMINERS
101 East Capitol, Suite 209
Little Rock, AR 72201